

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

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In the Matter of the Petition of GRACE
OCEAN PRIVATE LIMITED, et al., for
Exoneration from or Limitation of
Liability

*

Civil No. JKB-24-0941

*

IN ADMIRALTY

*

FILED UNDER SEAL

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REPORT OF DAVID GERGER, ESQ. REGARDING DEPOSITION SCHEDULING IN
ADVANCE OF JUNE 11 HEARING

(WITH PARAGRAPH 2 FILED UNDER SEAL)

David Gerger (motion to appear *pro hac vice*, to be filed) has been asked to represent Karthik Nair individually. Mr. Nair is the superintendent for the MV Dali. He lives in India. Claimants seek to take his deposition on June 23 in London. For the three reasons set out below, Mr. Gerger has proposed to present Mr. Nair the week of August 4 (or if necessary, July 30 or 31 or August 1) in London. Over this difference in timing, Claimants have involved the Court.

1.

This matter involves a very large volume of material to review covering complex engineering, factual, and legal matters. Gerger was in a federal criminal trial through May 23, so he is just beginning to review materials. Simply put, Gerger needs more time to review materials and confer with Mr. Nair in preparation for any testimony he may give. It will be a huge task to accomplish this by the week of August 4. It would be impossible to accomplish by June 23.

2.

Second, the U.S. Department of Justice is conducting a criminal investigation into the same events that Claimants wish to cover in their civil deposition. Gerger has experience representing

clients in criminal environmental and marine investigations. As the Court knows, even an innocent man who might be ensnared by ambiguous circumstances or a criminal investigation can assert his Constitutional privilege in a civil deposition. *Ohio v. Reiner*, 532 U.S. 17 (2001); *Grunewald v. United States*, 353 U.S. 391 (1957). Gerger needs more time to try to evaluate Mr. Nair's position vis-à-vis the DOJ criminal investigation.

3.

Lastly, and more a matter of personal courtesy, Gerger has a long-planned vacation with his wife, children and grandchildren in Austria, starting June 23rd (and he committed months ago to teach/speak at legal seminars in the United States shortly before and shortly after that vacation.)

For all those reasons, the "Gerger Depo Problem" can be solved, appropriately: by scheduling Mr. Nair's deposition in London during the week of August 4 in London or, if necessary, on July 30, 31, or August 1).¹

Respectfully submitted,

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¹ Counsel requests the Court's indulgence as to timing of this filing and Local Rule 105.2(b), as matters have been proceeding at an expedited pace for counsel.

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motion to be filed)

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY THAT on this 9th day of June, 2025, per this Court's Local Rules, a copy of the foregoing highlighted Report (filed under seal) was served electronically (email) to identified counsel of record in the case, as follows:

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